

Amendments To The Drawings:

Please replace sheet 1 of the Drawings as filed with the enclosed replacement sheet.



REMARKS

This Amendment is in response to the Final Office Action dated January 9, 2007 and the Advisory Action dated February 9, 2007. Claims 10-12, 14-28, 30-37 and 43-45 are currently pending.

Response to Rejection

In the Final Office Action claims 13 and 29, which recited process employing a variation in tank gap, were indicated to be allowable. Claims 13 and 29 have been cancelled but independent claims 10 and 26 from which they depended have been amended to recite that at least the tank gap is varied. Independent claim 14 has been similarly amended. Amendments to dependent claims 12, 16, 17, 27 and 28 have been made to conform to the changed antecedents. Consequently claims 10-12, 14-22, 26-28 and 30-37 are believed to be in condition for allowance at least for the reason that claims 13 and 29 were found allowable.

Claim 23 has been amended to correct an obvious clerical error. No change in scope is intended.

Claims 23-25 have been rejected as anticipated by Pepin et al (US 5,614,136), "when taken with Chen et al (US 6,905,743)." Reconsideration is requested.

Claim 23 recites a method "in which portions of the parison are slated to form cone and waist portions of the balloon and a portion is slated to form the balloon body." This recitation is a step in the claimed process. Pepin does not meet this step. Claim 23 further recites "wherein the extruding step is controlled to provide the extruded tube with a varying longitudinal orientation, such that the slated parison formed therefrom has variation providing a lower or higher orientation for the cone and waist slated portions of the parison relative to the portion slated to form the balloon body." The Final Action argues that Pepin inherently changes the longitudinal molecular orientation of the tubes the drawing rate of the Pepin tubing is changed, but Pepin fails to teach any relationship between the variation in the drawing rate of the extruded tubing and the location of slated portions of a balloon parison. Therefore Pepin also fails to meet this further recitation. Chen is cited only to support an inherency argument and in

any case also does not expressly or inherently teach a relationship between a variation in the longitudinal orientation of an extruded tubing portion and the location of a slanted balloon portion. For the foregoing reasons withdrawal of the rejection of claims 23-25 is requested.

Reconsideration of the rejection of claims 43-45 for anticipation by Pepin et al is also requested. The Final Action argues that Pepin et al "teaches that the process is carried out to 'meet required operation and performance characteristics' of the tubular member (7:15-25), which would be inherently inclusive of yield and break strengths (i.e. elongation properties) of the final product." Applicant respectfully disagrees. Pepin does not teach that an elongation property is a required operation and/or performance characteristic of the tubular member. Pepin does not mention elongation at all. Moreover the selection recited in claim 43 is not met by inherency. In claim 43 alteration of a processing parameter is selected "on the basis of" the elongation property, this does not encompass use of some other basis that might affect the elongation. Since Pepin does not mention elongation in any context it clearly does not anticipate the process of claim 43. Withdrawal of the rejection of claims 43-45 is requested.

Drawing Amendment

The "Preliminary Amendment" filed Jan 19, 2006, which prompted the Advisory Action, was not intended to respond to the outstanding action. The intent was to make the drawing correction promptly after it was noticed. The fact that there was an outstanding Action in the case was inadvertently overlooked when the Jan. 19, 2007 "Preliminary Amendment" was filed. The undersigned apologizes for the confusion created. The same drawing correction has been incorporated into this response and entry is again requested.

It was recently noticed that numbering on Figures 2-3 of the drawings did not correspond to the description at page 6, line 31 – page 7, line 11 and page 7, lines 28-32. Figures 2-3 have been corrected to correspond to the description. A marked up copy of the original figures is provided below to show the changes. No new matter has been introduced.

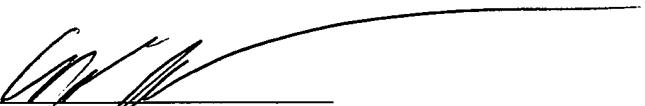


In view of the foregoing amendments and remarks the application is believed to be in condition for allowance. Early and favorable action thereon is requested.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: March 30, 2007

By: 

Walter J. Steinkraus
Registration No.: 29592

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
f:\wpwork\wjs\10941us01_amd_20070216.doc

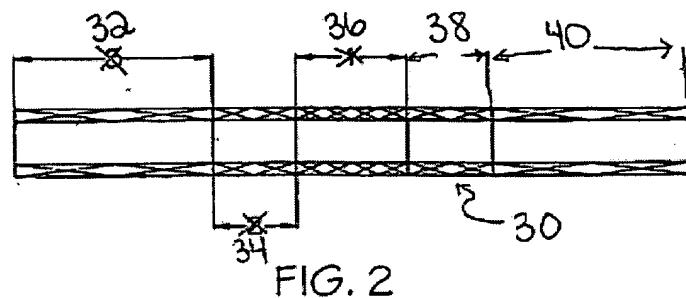


FIG. 2

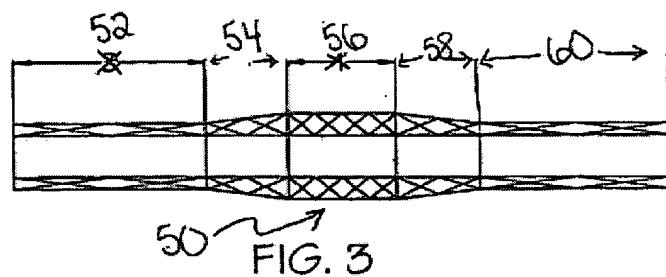


FIG. 3

Annotated sheet

